

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted essentially of salt, charcoal, American wormseed, capsicum, gentian, fenugreek, and cereal filler.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements, regarding the curative and therapeutic effects thereof, appearing on the label and carton, and in the circulars and booklet accompanying and enclosed with said cartons and pails, were false and fraudulent in that the same were applied to said drug knowingly and in a reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to purchasers thereof, and to create in the minds of purchasers thereof, the impression and belief that the said product was in whole or in part composed of and contained ingredients or medicinal agents effective, among other things, as a remedy, a cure, and a preventive of the diseases named on the label and carton, and in the circulars and booklet, and that the said drug was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective as a remedy, cure, or preventive of the said diseases in horses, swine, and cattle.

On October 21, 1920, McConnon & Co., claimant, having filed an answer admitting the truth of the allegations of the libel and consenting to a decree, a judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**SS20. Adulteration and misbranding of flour. U. S. \* \* \* v. 410 Sacks of Flour. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 907. I. S. No. 4326-b. S. No. 321.)**

On October 6, 1909, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on June 7, 1910, an amended libel, praying the seizure and condemnation of 410 sacks of flour, at Indianapolis, Ind., alleging that the article had been shipped on or about September 14, 1909, by the Larabee Flour Mills Co., Hutchinson, Kans., and had been shipped from the State of Kansas into the State of Massachusetts, and thereafter re-shipped from the State of Massachusetts into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Hard Wheat Patent Loyal Flour."

It was alleged in substance in the libel that the article was adulterated for the reason that substances known as nitrites or nitrite reacting material had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; for the further reason that said article had been mixed, colored, and stained in a manner whereby damage and inferiority were concealed, and for the further reason that said flour contained added poisonous and other added deleterious ingredients, which might render the same injurious to health.

Misbranding was alleged in substance for the reason that the article was labeled "Hard Wheat Patent Loyal Flour," which said labeling represented that the flour was a patent flour made from hard wheat, whereas such labeling was false and misleading in that the flour was not a patent flour at all, and was not made wholly from hard wheat, but was made from a mixture of hard and soft wheats. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, hard wheat

patent, and further for the reason that it was labeled so as to deceive and mislead the purchasers in respect to the kind, grade, quality, and value of said flour.

On October 18, 1910, the said Larabee Flour Mills Co., owner of the flour, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**SS21. Misbranding of Gray's Ointment. U. S. \* \* \* v. 36 Dozen Boxes of \* \* \* Gray's Ointment. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 11108. I. S. No. 16549-r. S. No. E-1674.)**

On August 26, 1919, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 36 dozen boxes of Gray's Ointment, at Jacksonville, Fla., consigned by W. F. Gray & Co., Nashville, Tenn., alleging that the said article had been shipped on or about July 7, 1919, and transported from the State of Tennessee into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "W. F. Gray's Genuine Ointment, Nashville, Tenn."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of linseed oil, lead soap, lead acetate, turpentine, and wax.

It was alleged in substance in the libel that the article was misbranded for the reason that the circular inclosed with the boxes of the article contained, among other things, the following statements, "Gray's Ointment \* \* \* For the relief of Mercurial and other Ulcers of long or short standing \* \* \* Scrofulous and other Tumors, including White Swellings, Sore Legs \* \* \* Old or Fresh Wounds, Gunshot Wounds \* \* \* Swellings and Inflammations of all kinds, Rheumatic and other Pains, Scalds and Burns \* \* \* Tetter on the hand or any other part of the body \* \* \* Carbuncles, Cancerous Affections, Gangrene, Eruptions of all kinds \* \* \* Dog, Snake, Spider and other Poisonous Bites, Broken Breasts, Sore Nipples \* \* \* Weak Loins, Limbs, Muscles, Injured Spine, Sore Eyes, Swellings of all kinds \* \* \* Sore Throat \* \* \* in Pleurisy and Pneumonia, it is unequalled \* \* \* Wind Galls, Sore Back, Cracked Heel, Fistula, and in fact almost every other External disease that afflicts man or brute \* \* \* for an Ulcer, Tumor, or Eruption \* \* \* In early stages of Inflammatory Rheumatism and Soreness about the Breast \* \* \* " (similar statements in German and Spanish), regarding the curative and therapeutic effect of said article, which said statements were false and fraudulent and misleading in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it.

On May 20, 1920, W. F. Gray & Co., Nashville, Tenn., claimant of the property, having filed its bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the article be relabeled in conformity with the law, it was ordered by the court that the product be delivered to said claimant, and that upon payment of the costs of the proceeding the case should be finally dismissed.

E. D. BALL, *Acting Secretary of Agriculture.*